

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

ADRIEN L. MERLETTE, R.N.
License # 26NR12677200

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Adrien L. Merlette ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about August 8, 2014, a letter of inquiry was sent on behalf of the Board, asking Respondent, among other things, to provide documentation, in the form of certificates of completion, of having completed all required nursing continuing education within the last three years. The letter was sent by certified and regular mail to Respondent's address of record. The certified mailing was returned as "unclaimed." The regular mailing was not returned.

3. Although Respondent partially replied to the letter of inquiry, she did not furnish documentation of any nursing continuing education.

4. On her 2014 renewal application, Respondent indicated that she would have completed required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014. Respondent indicated that she would not have completed the one hour continuing education course on Organ and Tissue donation by May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to provide documentation of required continuing education for the June 1, 2012 – May 31, 2014 licensing cycle constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2014 renewal application that she would have completed the required nursing continuing education for the June 1, 2012 – May 31, 2014 licensing cycle by May 31, 2014 constitutes misrepresentation within the intentment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and two hundred and fifty dollar (\$250) civil penalty was entered on December 24, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence

supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing documentation of completing:

0 hours of continuing education within June 1, 2012 – May 31, 2014;

31 hours of continuing education with the June 1, 2014 – May 31, 2016, including the one hour course on Organ and Tissue Donation.

Respondent maintained that due to unfortunate personal circumstances, she was unable to complete the required continuing education for June 1, 2012 – May 31, 2014 in a timely manner. Respondent may apply the 30 hours completed in January 2015 to cure the deficiency of the previous biennial renewal period, but those same 30 hours may not also be used to satisfy the requirements of the current biennial period.

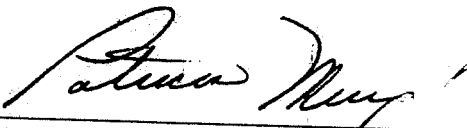
The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent cured her continuing education deficiency, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to timely complete the required continuing education warrants imposition of a two hundred and fifty dollar (\$250) civil penalty. Correspondingly, Respondent's false answer on her renewal application certifying that she had completed the required continuing education when she had not done so warrants imposition of a reprimand.

ACCORDINGLY, IT IS on this 7th day of May, 2015,
ORDERED that:

1. A reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby provisionally imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.
3. Continuing education completed after May 31, 2014 and applied to cure the deficiency of a previous biennial renewal period shall not also be used to satisfy the requirements of the current biennial renewal period. Respondent shall complete an additional 29 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial renewal period.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President